REMARKS

In response to the above-identified Office Action, Applicants amend the specification and seek reconsideration of the application. In this response, Applicants amend Claims 1-4. Applicants do not cancel or add any claims. Accordingly, Claims 1-11 are pending.

Applicants note that the claim amendments are not being made to overcome any rejection or prior art. Although it is believed that the claims as filed are patentable, Applicants make the non-narrowing amendments merely to eliminate non-preferred claim language and not for any reason related to patentability.

I.   Specification

The Examiner objects to the disclosure for several informalities. As indicated above, Applicants amend the specification in accordance with the Examiner's suggestions with one exception. Namely, the Examiner requests that Applicants rewrite the sentence starting on page 1, line 25, and ending on page 2, line 3, because the sentence is unclear. In response, Applicants respectfully submit that the sentence appears to be clear since the acknowledge sent to the packet source may also indicate that, for example, the destination node is busy or an error occurred. However, Applicants invite the Examiner to suggest a clarifying amendment if the objection is maintained. Accordingly, Applicants respectfully request approval of the specification as amended.

II.   Claims Rejected Under 35 U.S.C. § 102(b)

The Examiner rejects Claims 1-11 under 35 U.S.C. 102(b) as being anticipated by the IEEE 1394 Standard for a High Performance Serial Bus (hereinafter "Reference 1"). Applicants respectfully traverse this rejection. Independent Claims 1, 4, 5, and 9 will each be addressed in turn.

In order to anticipate a claim, the relied upon reference must disclose every limitation of the claim. Among other limitations, independent Claim 1 recites receiving a NAK while the primary

packet is being transmitted; and aborting the transmission <u>without sending all of the primary packet</u> (emphasis added).

In making the rejection, the Examiner relies on Reference 1 to anticipate the invention of Claim 1. Although the Examiner cites many portions of Reference 1, the cited portions fail to teach or suggest all of the limitations of Claim 1. Specifically, the cited text of Reference 1 fails to disclose aborting the transmission <u>without sending all of the primary packet</u>. For instance, the Examiner references Transition OSR1:OSR1 on page 190 of Reference 1 to show that, under certain circumstances, the transaction layer chooses not to requeue the pending retry (which the Examiner suggests is analogous to aborting the transmission without sending all of the primary packet). However, the decision not to requeue the pending retry only occurs <u>after</u> the transaction layer receives a link data confirmation (i.e. an acknowledge of some sort) in response to the entire primary packet being sent. Thus, the transmission in Reference 1 is not aborted <u>without sending all of the primary packet</u>. Rather, the entire transmission is just not resent, which is a far cry from aborting the transmission <u>without sending all of the primary packet</u>.

The Examiner also directs attention to Transition ODR2:ODR0b on page 197 of Reference 1 to show aborting without sending all of the primary packet. However, the cited text also fails to teach or suggest aborting the transmission as used in Claim 1. Specifically, the transaction layer abandons any further attempts to deliver the entire packet when the retry time has been exceeded. Again, this falls short of anticipating Claim 1 since abandoning efforts to deliver an entire packet does not coincide with aborting a transmission <u>without sending all of the primary packet</u>.

In order to buttress Reference 1, the Examiner looks to Applicants' specification for a definition of aborting. The Examiner cites page 7, lines 5-10 of Applicants' disclosure as evidence of the term "aborting" to simply mean that the packet must be sent later. However, this is an overly narrow construction of the term "aborting". Applicants respectfully submit that a full explanation of aborting can be found in the specification on page 6, line 25-page 7, line 10. In particular, the cited text gives an example of one embodiment of the invention in which a source node begins transmission of a packet to a destination node. During receipt of the packet, the

destination node realizes it cannot accept the packet (e.g., perhaps the packet is too big). In response, the destination node sends a NAK to the source node while the packet is being transmitted. Upon receipt of the NAK during transmission (the limitation recited prior to "aborting" in Claim 1 which is also neither taught nor suggested by Reference 1), the source node aborts transmission of the remainder of the packet (i.e. aborts the transmission without sending all of the primary packet). It is the abortion of the transmission which yields one benefit of the invention of Claim 1. Specifically, this allows the bus to be used for other non-futile transmissions once it is determined that sending the remainder of the packet currently being transmitted would be a waste of bus resources since the destination node cannot accept the remainder of the packet.

Therefore, Reference 1 fails to teach or suggest all of the limitations of Claim 1. Accordingly, Applicants respectfully request that the rejection of Claim 1 be withdrawn. Claims 2 and 3 depend from Claim 1 and are not anticipated at least for the same reasons.

Independent Claim 4 recites, among other limitations, identifying, while receiving the primary packet, that the node cannot successfully accept the primary packet; and sending a NAK to the originator of the primary packet concurrently with receiving the primary packet (emphasis added). These limitations of Claim 4 are neither taught nor suggested by Reference 1. In particular, the cited portions of Reference 1 do not disclose (1) identifying that a node cannot accept the packet while the node is receiving the packet, or (2) sending a NAK to the originator of the packet concurrently with receiving the packet. Rather, Reference 1 addresses these functions after the complete transmission of the packet instead of during transmission. Necessarily, the system of Reference 1 can not avoid the completion of futile transmissions in the manner of Claim 4.

Therefore, Reference 1 cannot anticipate Claim 4. Accordingly, Applicants respectfully request that the rejection of Claim 4 be withdrawn.

Among other limitations, independent Claim 5 recites a destination node to generate a NAK if the primary packet cannot be successfully accepted, the NAK generated concurrently with the

receipt of the primary packet (emphasis added). As discussed above, the cited portions of Reference 1 fail to teach or suggest a NAK generated concurrently with the receipt of the primary packet. Likewise, Reference 1 cannot anticipate Claim 5. Accordingly, Applicants respectfully request that the rejection of Claim 5 be withdrawn. Claims 6-8 depend from Claim 5 and are not anticipated at least for the same reasons.

Independent Claim 9 recites, among other limitations, a state machine to generate a NAK in response to an inability to successfully accept a primary packet, the NAK generated concurrently with an ongoing arrival of the primary packet (emphasis added). The same reasoning set forth above for Claim 5 applies to Claim 9. As such, Applicants respectfully request that the rejection of Claim 9 be withdrawn. Claims 10 and 11 depend from Claim 9 and are not anticipated at least for the same reasons.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date.

Respectfully submitted,

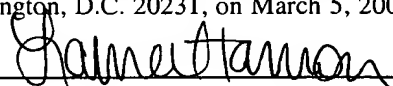BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Dated: March 5, 2001

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Please amend the claims as follows:

1. (Amended) A method comprising [the steps of]:

transmitting a primary packet from a source node towards a destination node on a full

duplex bus;

receiving a NAK while the primary packet is being transmitted; and

aborting the transmission without sending all of the primary packet.

2. (Amended) The method of Claim 1 further comprising [the step of]:

reclaiming bandwidth not used as a result of [the] aborting [step].

3. (Amended) The method of Claim 2 wherein [the] reclaiming [step] comprises [the steps

of]:

granting the bus to a highest priority requesting node; and

beginning transmission of a next primary packet from the highest priority requesting node.

4. (Amended) A method comprising [the steps of]:

receiving a primary packet at a destination node;

identifying, during the receiving [step], that the node cannot successfully accept the

primary packet; and

sending a NAK to the originator of the primary packet concurrently with the receiving

[step].